



September 21, 2017

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268; Amendment of Parts 15, 73 and 74 of the Commission's Rules to Provide for the Preservation of One Vacant Channel in the UHF Television Band for Use by White Space Devices and Wireless Microphones, MB Docket No. 15-146; 2014 Quadrennial Regulatory Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, MB Docket No. 14-50; 2010 Quadrennial Regulatory Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, MB Docket No. 09-182; Promoting Diversification of Ownership in the Broadcasting Services, MB Docket No. 07-294; Rules and Policies Concerning Attribution of Joint Sales Agreements in Local Television Markets, MB Docket No. 04-256, Notice of *Ex Parte* Communication

Dear Ms. Dortch:

On September 19, 2017, National Association of Broadcasters' (NAB) CEO Gordon Smith and the undersigned met with Commissioner Brendan Carr and his acting legal advisor, Nirali Patel concerning three issues currently before the Commission.

First, NAB discussed the need for the Commission to ensure that broadcasters are not penalized during the repacking process if they fail to meet their deadlines due to circumstances beyond their control. We noted that each Commissioner in the past has supported this principle. As NAB has made clear in recent months, it is not currently asking the Commission to alter its 39-month repacking deadline. T-Mobile, however, continues its repetitive advocacy regarding the need to maintain the deadline. Ironically, T-Mobile's constant concern about maintaining the current 39-month timeframe demonstrates that T-Mobile has little or no confidence that the deadline will be met. NAB appreciates the Commission's commitment to ensuring that broadcasters are protected during this arduous process.

NAB also believes the Commission should look closely at how T-Mobile's possible merger with Sprint may impact how the Commission approaches repacking.

Second, NAB addressed Microsoft's renewed white spaces proposal. NAB reiterated that it, too, is excited about expanded rural broadband, and encourages Microsoft to pursue its plan under existing allocations both in the TV band and other dedicated unlicensed bands. Given the challenges ahead for broadcasters with a lengthy, nationwide repacking process, as well as an exciting voluntary conversion to Next Gen Television, it makes no sense to inject a new complexity – especially for an unproven and thus far failed technology – into the process. NAB is hopeful for Microsoft's rural broadband success in one or more of the Commission's many current unlicensed allocations.

Third, NAB encouraged the Commission to act on its petition for reconsideration of the Commission's 2010/2014 Quadrennial Review order. The prior review was a "review" in name only; it did not take seriously the Commission's job to determine whether the existing broadcast ownership rules are in the public interest. Several of the rules are decades-old and were developed before cable and satellite TV as well as the internet. It defies logic to keep these antiquated rules in place that only serve to limit broadcasters' ability to compete in the 21st century.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Rick Kaplan", with a long horizontal flourish extending to the right.

Rick Kaplan
General Counsel and Executive Vice President
National Association of Broadcasters

cc: Nirali Patel